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June 9, 2015

**VIA EMAIL AND ECF**

The Honorable Andrew L. Carter, Jr.  
United States Courthouse  
40 Foley Square, Room 435  
New York, New York 10007

**Re: Harter v. BP PLC et al, No. 1:13-cv-07443-ALC**  
**(Coordinated with: In re: North Sea Brent Crude Oil Futures Litig., 13-md-02475-ALC)**

Dear Judge Carter:

We are interim co-lead counsel for the Coordinated Action, *Harter v. BP PLC et al*, No. 1:13-cv-07443-ALC (the “Landowner” action), and we write respectfully to seek a modification to the briefing schedule related to the motion to dismiss [ECF No. 370] filed by Shell International Trading and Shipping Company Limited (“STASCO”) on May 29, 2015.

In support of its motion to dismiss for lack of personal jurisdiction, STASCO filed a memorandum of law and declaration of its executive, Armand Lumens. [ECF Nos. 371, 372]. This declaration is a duplication of the declaration submitted in support of STASCO’s motion to dismiss the related Trader Plaintiffs’ complaint. [ECF Nos. 343-345]. Moreover, STASCO’s argument utilizing Armand Lumens’s declaration in STASCO’s memorandum to dismiss the Landowner Plaintiff’s complaint [ECF No. 371, pgs. 2, 4, & 7] is virtually identical to STASCO’s argument utilizing the Lumens declaration in the memorandum to dismiss the Trader Plaintiffs’ complaint. [ECF No. 344, pgs. 2, 3, & 10].

On April 13, 2015, the Trader Plaintiffs requested a pre-motion conference regarding jurisdictional discovery of STASCO [ECF No. 348] to which STASCO responded on April 16, 2015. [ECF No. 349]. On May 1, 2015, the Court held a pre-motion conference on this issue and reserved its decision.

Landowner Plaintiff and Defendants had previously stipulated [ECF No. 357] to a schedule setting Landowner Plaintiff’s response to STASCO’s motion as June 12, 2015.

To the extent the Court allows it, the jurisdictional discovery would necessarily be added to Landowner Plaintiff’s record opposing STASCO’s motion to dismiss. Therefore, Landowner Plaintiff respectfully requests that he be allowed to file his opposition to the motion to dismiss after the Court’s decision on this issue. As proposed by the Trader Plaintiffs [ECF No. 353], if the

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Court allows jurisdictional discovery, Landowner Plaintiff requests permission to file the opposition a week after the deposition of Mr. Lumens. If the Court denies this jurisdictional discovery, Landowner Plaintiff would file the opposition at the time of that denial.

Landowner Plaintiff has sought and received the consent of Counsel for STASCO as well as the consent of Counsel for the Trader Plaintiffs in the related action (13-md-02475-ALC). We appreciate Your Honor's consideration of this matter.

Respectfully submitted,

/s/ Peter Safirstein

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cc: All Counsel of Record (by email)